

Remarks

The Examiner has researched new references and established rejections under 35 USC 103(a) of claims 1 through 5, 12, 18, 21 through 23 and 31 as being unpatentable over Goldfarb in view of Thomas. Claims 6 through 11, 19, 20, and 24 through 29 stand rejected under 35 USC 103(a) as being unpatentable over Goldfarb and Thomas as applied to claim 1. Claim 15 stands rejected under 35 USC 103(a) as being unpatentable over Goldfarb and Thomas as applied to claim 1 and in further view of Kessler. Claim 32 stands rejected under 35 USC 103(a) as being unpatentable over Goldfarb in view of Zinbarg.

The Examiner has, however, indicated that claim 14 is objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the rejections of claim 1, the Examiner states that the language "for carrying out a method of active motion therapy by filling bulk material of shaped bodies into a container, wherein limbs to be trained are immersed into the bulk material for carrying out exercises" has not been given patentable weight, since the recitation is purely functional in nature and does not recite any structure. In response thereto, the Applicant has redirected the invention to a method of active motion therapy using a bulk material of shaped bodies with the structure specified by original claim 1. In this manner, the previous recitations, devoid of structure, are given patentable weight, since these recitations are now part of method steps, including filling the bulk material of plastic into a container, immersing the

limb into that container and exercising the limb within the bulk material. The dependent claims have been amended accordingly for consistency with the redirected independent claim. In particular, claims 35 through 45 correspond to former claims 2 through 12, claims 46 and 47 to former claims 14 and 15, claim 48 to former claim 18, claims 50 and 51 to former claims 19 and 20, and claims 52 through 62 to former claims 23 through 33.

None of the prior art of record discloses a method of active motion therapy utilizing the bulk material shaped bodies as claimed. The invention is therefore sufficiently distinguished from the prior art of record to satisfy the conditions for patenting in the United States of America. These remarks pertain not only to the independent claim but also to the claims inheriting the limitations thereof and dependent thereon. Passage to issuance is therefore respectfully requested.

No new matter has been added in this amendment.

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Dr. Paul Vincent

+49 8322 987299

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Respectfully submitted,

Paul Vincent

Dr. Paul Vincent

Registration number 37,461

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Date

Lichti + Partner GbR
Patentanwälte
Postfach 41 07 60
D-76207 Karlsruhe, Germany
Telephone: +49-721-9432815
Fax: +49-721-9432840